

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Utility Patent Application Transmittal Letter

Date : December 8, 2003
 Reference No.: 7057-0044/010026S

Mail Stop: Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Enclosed for filing is a patent application (specification, claims)

ENTITLED: **SELECTABLE MULTI-PERFORMANCE CONFIGURATION**

INVENTOR(S): **LEATHER, Mark**

(X) This application is a continuation application of U.S. Application No. 10/712,578 filed November 12, 2003, which claims priority to U.S. Provisional Application No. 60/425,592, filed November 12, 2002.

031088 U.S. PTO
 10/731752
 120803

CALCULATION OF FEES				
ITEM	NUMBER OF CLAIMS FILED MINUS BASE*	NUMBER OF CLAIMS OVER BASE X RATE	\$ AMOUNT	\$ FEE
A TOTAL CLAIM FEES	23-20* = 0	3 x \$ 9.00	27.00	
B INDEPENDENT CLAIMS FEE**	4-3 = 0	1 x \$ 43.00	43.00	
C SUBTOTAL			SMALL ENTITY FEE = A + B LARGE ENTITY FEE = 2 x (A + B)	140.00
D BASIC FEE*			SMALL ENTITY FEE = \$ 385.00 LARGE ENTITY FEE = \$ 770.00	770.00
E MULTIPLE-DEPENDENT CLAIMS FEE			SMALL ENTITY FEE = \$ 145.00 LARGE ENTITY FEE = \$ 290.00	0
F ASSIGNMENT RECORDING FEE			\$ 40.00	0
G TOTAL FEE (ADD LINES C, D, E AND F)				910.00

**List Independent Claims: 1, 7, 13, and 19

☒ This application is incomplete because:
☐ No filing fee is enclosed. (If no filing fee is enclosed, ignore authorization of the Deposit Account.)
☒ No executed declaration

Also enclosed are:

☒ Check for \$ 910.00
☐ Small entity claimed under 37 CFR 1.27.
☐ A Petition for Extension of Time for the parent application and the required fee.
☒ 21 Sheet(s) of Specification (with 5 Sheet(s) of Claims), 1 Sheet(s) of Abstract
☐ Sheet(s) of informal drawings, FIGS. 1 to _____. Formal drawings will be sent after Notice of Allowance.
☒ 8 Sheet(s) of formal drawings, FIGS. 1 to 8.
☐ An Assignment of the invention with the Recordation Form Cover Sheet.
☒ Other enclosures: **Non-publication Request under 35 U.S.C. 122(b)(2)(B)(i)**

☒ The Commissioner is authorized during the prosecution of this application to charge fees that may be required or credit any overpayment of fees to Deposit Account No. 50-1215, except for payment of patent issue fees required under 37 CFR § 1.18. Please show our above-referenced number with any credit or charge to our Deposit Account. **A copy of this letter is enclosed.**

Please address all correspondence to **J.D. Harriman II, COUDERT BROTHERS LLP, 333 South Hope Street, 23rd Floor, Los Angeles, California 90071. Telephone No. (213) 229-2900. Our Customer Number is 23600.**

CERTIFICATE OF MAILING 37 CFR §1.10

"Express Mail" Mailing Label Number: EV 346024987 US

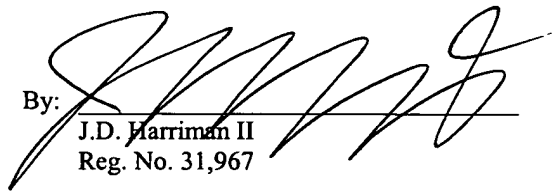
Date of Deposit: December 8, 2003

I hereby certify that this paper, accompanying documents and fee are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Mary Helen Lopez
 LOSANGELES 114378v1

Respectfully submitted,

COUDERT BROTHERS LLP

By: 
 J.D. Harriman II
 Reg. No. 31,967

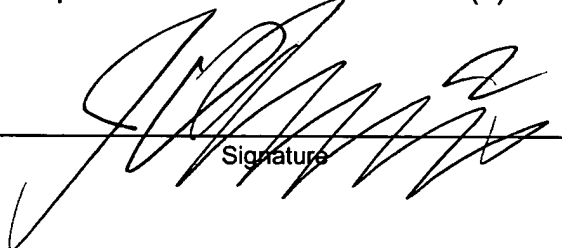
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)		First Named Inventor	Mark M. Leather
		Title	Selectable Multi-Performance Configuration
		Attorney Docket Number	7057-0044/010026S

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/8/03
Date


Signature

213-229-2977
Telephone number

J.D. Harriman II, Esq. - Reg. 31,967
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.